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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/719,318	11/21/2003	Patrick Vanderwilt	199-0082US-C	3084

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EXAMINER

ENG, GEORGE

ART UNIT PAPER NUMBER

2643

DATE MAILED: 08/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/719,318	VANDERWILT ET AL.	
	Examiner	Art Unit	
	George Eng	2643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>11/21/2003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Preliminary Amendment

1. This Office action is in response to the preliminary amendment filed 11/21/2003. Accordingly, claim 1 has been cancelled and claims 2-25 are pending for examination.

Information Disclosure Statement

2. The information disclosure statement filed 11/21/2003 has been considered. Note document 6,295,551 (A24) and document 6,122,665 (A32) are crossed out because of duplication (see Ref. Des. A11 and A3)

Double Patenting

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4. Claims 2-25 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-21 of U.S. Patent No. 6,693,661. Although the

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conflicting claims are not identical, they are not patentably distinct from each other because all the claimed limitations, i.e., a videoconferencing unit and a web server, are transparently found in U.S. Patent No. 6,693,661 with obvious wording variations.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 2-4, 7-13, 16-19 and 22-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ludwig et al. (US PAT. 5,617,539 hereinafter Ludwig) in view of Goh et al. (US PAT. 6,373,841 hereinafter Goh).

Regarding claim 2, Ludwig discloses a video conferencing system as shown in figure 1 comprising a personal computer (12), i.e., a videoconferencing unit, for processing and

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transmitting audio and video data to a plurality of users of the system through a network interface (110, figures 18A-18B and col. 15 lines 56-63). Ludwig differs from the claimed invention in not specifically teaching a web server embedded within the personal computer and coupled to the network interface for transmitting a web page in response to a requests from a user, wherein the web page allows the user to select a file for broadcast to the videoconferencing unit or allows the user to view a file being transmitted by the video conferencing unit. However, Goh teaches a managed workstation having an embedded processor (38, figure 3) being programmed to function as a web server for transmitting a web page in response to a request from a network manager, i.e., a user, wherein the web page allows the network manager to view a filed being transmitted by the managed workstation in order to reduce burdening to host processor by providing the functionality of both a network controller and a manageability web server (col. 4 line 66 through col. 7 line 53 and col. 9 line 40 through col. 10 line 7). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Ludwig in having the web server embedded within the personal computer and coupled to the network interface for transmitting the web page in response to the requests from the user, wherein the web page allows the user to select the file for broadcast to the videoconferencing unit or allows the user to view the file being transmitted by the video conferencing unit, as per teaching of Goh, because it reduces burdening to host processor by providing the functionality of both a network controller and a manageability web server.

Regarding claim 3, Goh teaches the web page allows the network manager to select a file for broadcast to the managed workstation and to view a file being transmitted by the managed workstation (col. 7 lines 39-53 and col. 10 lines 8-38).

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Regarding claim 4, Goh teaches the file comprising a presentation (col. 3 line 63 through col. 4 line 3).

Regarding claim 7, Goh teaches the web pages further allowing the network manager to perform diagnostic testing on the managed workstation (col. 10 line 61 through col. 11 line 21).

Regarding claim 8, Goh teaches the web page further allowing the network manager to upgrade, i.e., to modify configuration parameters, of the managed workstation (col. 10 lines 47-60).

Regarding claim 9, Ludwig discloses a video conferencing system as shown in figure 1 comprising a personal computer (12), i.e., a videoconferencing unit, for processing and transmitting audio and video data to a plurality of users of the system through a network interface (110, figures 18A-18B and col. 15 lines 56-63). Ludwig differs from the claimed invention in not specifically teaching a web server embedded within the personal computer and coupled to the network interface for transmitting a web page in response to a requests from a user, wherein the web page allows the user to perform diagnostic testing on the videoconferencing unit. However, Goh teaches a managed workstation having an embedded processor (38, figure 3) being programmed to function as a web server for transmitting a web page in response to a request from a network manager, i.e., a user, wherein the web page allows the network manager to perform diagnostic testing on the managed workstation in order to reduce servers and maintenance costs (col. 4 line 66 through col. 7 line 53 and col. 10 line 61 through col. 11 line 21). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Ludwig in having the web server embedded within the personal computer and coupled to the network interface for transmitting a web page in

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response to a requests from a user, wherein the web page allows the user to perform diagnostic testing on the videoconferencing unit, as per teaching of Goh, in order to reduce servers and maintenance costs.

Regarding claim 10, Ludwig discloses a video conferencing system as shown in figure 1 comprising a personal computer (12), i.e., a videoconferencing unit, for processing and transmitting audio and video data to a plurality of users of the system through a network interface (110, figures 18A-18B and col. 15 lines 56-63). Ludwig differs from the claimed invention in not specifically teaching a web server embedded within the personal computer and coupled to the network interface for transmitting a web page in response to a requests from a user, wherein the web page allows the user to modify configuration parameters of the videoconferencing unit. However, Goh teaches a managed workstation having an embedded processor (38, figure 3) being programmed to function as a web server for transmitting a web page in response to a request from a network manager, i.e., a user, wherein the web page allows the network manager to perform upgrade, i.e., to modify configuration parameters, of the managed workstation in order to reduce servers and maintenance costs (col. 4 line 66 through col. 7 line 53 and col. 10 lines 47-60). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Ludwig in having the web server embedded within the personal computer and coupled to the network interface for transmitting a web page in response to a requests from a user, wherein the web page allows the user to modify configuration parameters of the videoconferencing unit, as per teaching of Goh, in order to reduce servers and maintenance costs.

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Regarding claim 11, the limitations of the claim are rejected as the same reasons set forth in claim 2.

Regarding claim 12, the limitations of the claim are rejected as the same reasons set forth in claim 3.

Regarding claim 13, the limitations of the claim are rejected as the same reasons set forth in claim 4.

Regarding claim 16, the limitations of the claim are rejected as the same reasons set forth in claim 7.

Regarding claim 17, the limitations of the claim are rejected as the same reasons set forth in claim 8.

Regarding claim 18, the limitations of the claim are rejected as the same reasons set forth in claim 2.

Regarding claim 19, the limitations of the claim are rejected as the same reasons set forth in claim 4.

Regarding claim 22, the limitations of the claim are rejected as the same reasons set forth in claim 7.

Regarding claim 23, the limitations of the claim are rejected as the same reasons set forth in claim 8.

Regarding claim 24, the limitations of the claim are rejected as the same reasons set forth in claim 9.

Regarding claim 25, the limitations of the claim are rejected as the same reasons set forth in claim 10.

7. Claims 5-6, 14-15 and 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ludwig et al. (US PAT. 5,617,539 hereinafter Ludwig) in view of Goh et al. (US PAT. 6,373,841 hereinafter Goh) as applied in claims above, and further in view of Craig (US PAT. 6,108,687).

Regarding claims 5-6, the combination of Ludwig and Goh differs from the claimed invention in not specifically teaching the presentation comprising a plurality of slides, wherein the videoconferencing unit further comprises presentation engine for converting the slides into a corresponding set of thumbnail images. However, Craig teaches a system for providing a presentation of slides to a plurality of computers over a computer network, wherein each of the plurality of computers comprises graphical user interface for generating the slides into a corresponding set of thumbnail images (figure 2) in order to offer improved control and flexibility in the presentation of computer-based instructional sessions among widely distributed audiences. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combination of Ludwig and Goh in having the presentation comprising a plurality of slides, wherein the videoconferencing unit further comprises presentation engine for converting the slides into a corresponding set of thumbnail images, as per teaching of Craig, in order to offer improved control and flexibility in the presentation of computer-based instructional sessions among widely distributed audiences.

Regarding claims 14-15 and 20-21, the limitations of the claims are rejected as the same reasons set forth in claims 5-6.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Howard et al. (US PAT. 5,991,795) discloses a communication system and method using dynamic expansion for computer network comprising an intervening communication unit fir intercepting a request for a predetermined information element, searching resources local to the intervening communication for the requested predetermined information element and transmitting the requested predetermined information element to a requested communication unit if the requested predetermined information element is located in local resources (abstract). Hobbs (US PAT. 5,987,454) discloses a method for selectively retrieved multimedia information, including video, audio, graphics, and text, residing on a plurality of network resources.

9. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington D.C. 20231

Or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

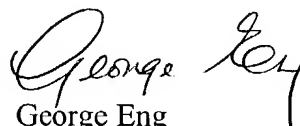
Hand delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, V.A., Sixth Floor (Receptionist).

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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Eng whose telephone number is 703-308-9555. The examiner can normally be reached on Tuesday to Friday from 7:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis A. Kuntz, can be reached on (703) 305-4870. The fax phone number for the organization where this application or proceeding is assigned is 703-308-6306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

A handwritten signature in cursive script that reads "George Eng".

George Eng
Primary Examiner
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